

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

UNITED STATES OF AMERICA                    3:24-cr-00041-HZ

v.

INDICTMENT

ROSS BENJAMIN SIERZEGA                    18 U.S.C. § 1344(2)  
Defendant.                                        18 U.S.C. § 1028A(a)(1)  
    18 U.S.C. § 1708

Forfeiture Allegations

UNDER SEAL

THE GRAND JURY CHARGES:

COUNTS ONE THROUGH FIVE  
(Bank Fraud)  
(18 U.S.C. § 1344(2))

**A. Introductory Allegation**

At times relevant to this Indictment, Wells Fargo Bank, N.A. ("Wells Fargo") was a financial institution insured by the Federal Deposit Insurance Corporation.

**B. The Scheme to Defraud**

1. Beginning on a date unknown to the Grand Jury and continuing until on or about February 15, 2023, within the District of Oregon, and elsewhere, defendant ROSS BENJAMIN SIERZEGA, knowingly and with the intent to defraud executed and attempted to execute a scheme to obtain moneys and funds owned by and in the custody and control of Wells Fargo by

means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

2. The fraudulent scheme operated and was carried out, in substance, by defendant SIERZEGA in the following manner:

a. Defendant SIERZEGA would obtain stolen debit cards, including a Wells Fargo debit card in the name of Adult Victim 1.

b. Defendant SIERZEGA would use the stolen debit cards to withdraw money at a Wells Fargo automated teller machine ("ATM") without having the cardholders' permission or authorization.

c. In doing so, defendant SIERZEGA would falsely represent to Wells Fargo that defendant SIERZEGA was an authorized user of the stolen debit cards and concealed from Wells Fargo that defendant SIERZEGA did not have cardholders' consent to use the stolen debit cards.

d. These false representations and omissions were material to Wells Fargo.

e. Through this scheme to defraud, defendant SIERZEGA made fraudulent and unauthorized cash withdrawals of at least \$16,000 to which he was not entitled.

**C. Execution of the Fraudulent Scheme**

3. On or about the following dates, within the District of Oregon, and elsewhere, defendant SIERZEGA committed the following acts, each of which constituted an execution of the fraudulent scheme:

Count	Date	Description of Act
One	01/31/2023	\$500 unauthorized cash withdrawal using the debit card of Adult Victim 1 at a Wells Fargo ATM (ID 1553N) located at 3997 Commercial St. SE, Salem, Oregon.

Two	02/05/2023	\$500 unauthorized cash withdrawal using the debit card of Adult Victim 1 at a Wells Fargo ATM (ID 1553N) located at 3997 Commercial St. SE, Salem, Oregon.
Three	02/07/2023	\$500 unauthorized cash withdrawal using the debit card of Adult Victim 1 at a Wells Fargo ATM (ID 1553N) located at 3997 Commercial St. SE, Salem, Oregon.
Four	02/11/2023	\$500 unauthorized cash withdrawal using the debit card of Adult Victim 1 at a Wells Fargo ATM (ID 1553N) located at 3997 Commercial St. SE, Salem, Oregon.
Five	02/14/2023	\$500 unauthorized cash withdrawal using the debit card of Adult Victim 1 at a Wells Fargo ATM (ID 1553N) located at 3997 Commercial St. SE, Salem, Oregon.

In violation of Title 18, United States Code, Section 1344(2).

**COUNT SIX**  
**(Aggravated Identity Theft)**  
**(18 U.S.C. § 1028A(a)(1))**

On or about January 31, 2023, within the District of Oregon, defendant ROSS BENJAMIN SIERZEGA knowingly possessed and used, without lawful authority, a means of identification that defendant SIERZEGA knew belonged to another person, namely, the Wells Fargo debit card and automatic teller machine personal identification number of Adult Victim 1, during and in relation to the offense of Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in Count One of this Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1).

**COUNT SEVEN**  
**(Theft of Mail)**  
**(18 U.S.C. §§ 1708, 2(a))**

On or about October 19, 2023, within the District of Oregon, defendant ROSS BENJAMIN SIERZEGA and a person unknown to the Grand Jury, each aiding and abetting the other, stole, took, and by fraud and deception obtained and attempted to obtain mail from and out of an authorized depository for mail matter, namely, a mailbox for the 3600 block of Rivercrest Dr. N., Keizer, Oregon.

In violation of Title 18, United States Code, Sections 1708, 2(a).

**FORFEITURE ALLEGATION ONE**

Upon conviction of one or more of the offenses alleged in Counts One through Five of this Indictment, defendant SIERZEGA shall forfeit to the United States under 18 U.S.C. § 982(a)(2) any property constituting or derived from proceeds defendant obtained directly or indirectly, including but not limited to a forfeiture money judgment in the amount of \$16,000, as a result of those violations.

**FORFEITURE ALLEGATION TWO**

Upon conviction of the offense alleged in Count Seven of this Indictment, defendant SIERZEGA shall forfeit to the United States under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Count Seven.

If any of the above-described forfeitable property, as a result of any act or omission of defendant SIERZEGA:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

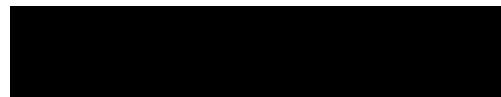
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it is the intent of the United States, under 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of defendant SIERZEGA up to the value of the forfeitable property described above.

Dated: February 7, 2024

A TRUE BILL.



OFFICIATING FOREPERSON

Presented by:

NATALIE K. WIGHT  
United States Attorney

  
ROBERT S. TRISOTTO, NYB #4784203  
Assistant United States Attorney